

# TREATY ON INTERNATIONAL COOPERATION IN THE AREA OF PATENTS

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT ON PATENTABILITY

(Chapter II of the Treaty on International Cooperation in the Area of Patents)

Applicant's or Agent's File Ref. 42 204...be	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International Application No. PCT/EP2004/009129	International Filing Date (Month/Day/Year) August 13, 2004	Priority Date (Month/Day/Year) August 13, 2003	
International Patent Classification (IPC) or National Classification and IPC B21B1/46, B21B31/10			
Applicant SMS DEMAG AKTIENGESELLSCHAFT et al.			

<p>1. This international preliminary examination report has been prepared by the duly commissioned International Preliminary Examining Authority according to Article 35 and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 pages, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES; these comprise</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and the International Office) a total of 5 pages; these are</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> pages of the description, claims, and/or drawings which have been amended and are the basis for this report and/or</li> <li>pages containing rectifications that have been approved by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> pages that replace earlier pages but which, for the reasons given in field No. 1, item 4, and in the supplementary field, in the opinion of this Authority, contain a change that goes beyond the disclosed contents of the international application in the version originally submitted.</li> </ul> <p>b. <input type="checkbox"/> (sent only to the International Office): (please specify the type and number of the electronic data carrier(s)), which contain a sequence listing and/or the tables that belong to it, only in computer-readable form, as specified in the supplementary field regarding the sequence listing (see Section 802 of the Administrative Instructions)</p>
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Field No. I Basis of the report</li> <li><input checked="" type="checkbox"/> Field No. II Priority</li> <li><input type="checkbox"/> Field No. III Nonestablishment of opinion with respect to novelty, inventive activity, and commercial viability.</li> <li><input type="checkbox"/> Field No. IV Lack of unity of the invention.</li> <li><input checked="" type="checkbox"/> Field No. V Substantiated determination under Article 35(2) with respect to novelty, inventive activity, and commercial viability; documents and declarations in support of this determination.</li> <li><input type="checkbox"/> Field No. VI Certain documents cited</li> <li><input type="checkbox"/> Field No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Field No. VIII Certain observations on the international application</li> </ul>

Date of submission of the petition: November 10, 2004	Date of completion of this report: March 21, 2005
Name and mailing address of the office assigned to perform the preliminary examination: European Patent Office D-80298 Munich Tel: +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399-4465	Authorized Officer: Forciniti, M. Tel: +49 89 2399-7903

INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT ON  
PATENTABILITY

IAP5 Rec'd PCT/PTO 10 FEB 2006

International File No.: PCT/EP2004/009129

**10/567932**

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**Field No. I Basis of the Report**

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1. With respect to the **language**, the report is based on the international application in the language in which it was submitted unless otherwise indicated under this item.
  - ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which was submitted for the following purpose:
    - ☐ international search (under Rules 12.3 and 23.1 b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rule 55.2 and/or Rule 55.3)
2. With regard to the **constituent parts\*** of the international application, the report is based on *(replacement pages which were submitted to the application office in compliance with a request according to Article 14 are considered "originally filed" in the context of this report and are not attached to the report):*

**Specification, pages:**

1, 4-6	as originally filed
2-3	received on January 29, 2005 with letter dated January 27, 2005

**Claims, Nos.:**

1-13	received on January 29, 2005 with letter dated January 27, 2005
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**Drawings, Pages:**

1/3-3/3	as originally filed
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☐ a sequence listing and/or any accompanying tables – see supplementary field regarding the sequence listing.

3. ☐ The amendments have resulted in the cancellation of:
  - ☐ the description: pages
  - ☐ the claims: Nos.
  - ☐ the drawings: sheets/figures:
  - ☐ the sequence listing (*exact details*):
  - ☐ any tables belonging to the sequence listing (*exact details*):

4. ☐ This report has been prepared as if (some of) the amendments attached to this report and listed below had not been made, since for the reasons specified in the supplementary field they are considered by this Authority to go beyond the disclosure as originally filed (Rule 70.2 c)).

☐ the description: pages

☐ the claims: Nos.

☐ the drawings: sheets/figures:

☐ the sequence listing (*exact details*):

☐ any tables belonging to the sequence listing (*exact details*):

\* If Item 4 applies, some or all of these pages can be furnished with the comment "replaced".

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**Field No. II    Priority**

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1. ☒ This report was prepared without consideration of the claimed priority, since the following requested documents were not submitted by the prescribed deadline:

☒ Copy of the earlier application whose priority was claimed (Rule 66.7(a)).

☐ Translation of the earlier application whose priority was claimed (Rule 7(b)).

2. ☐ This report was prepared without consideration of the claimed priority, since the priority claim proved invalid (Rule 64.1). Therefore, for the purposes of this report, the international application date cited above is regarded as the authoritative date.

3. Any additional comments:

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**Field No. V    Substantiated determination under Article 35(2) with respect to novelty, inventive activity, and commercial viability; documents and declarations in support of this determination.**

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1. Determination

Novelty (N)	Yes:	Claims 1-13
	No:	Claims
Inventive Activity (AI):	Yes:	Claims 1-13
	No:	Claims
Commercial Viability (CV):	Yes:	Claims 1-13
	No:	Claims

2. Documents and Declarations (Rule 70.7):

See attached page.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT ON  
PATENTABILITY (ATTACHED PAGE)**

International File No.: **PCT/EP2004/009129**

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**Re Item V.**

1. The following document is cited in the present office action:

**D1:** EP 0 707 908 A (NIPPON STEEL CORP) April 24, 1996 (1996-04-24)

2. **Claims 1 and 6** are novel (Art. 33(2) PCT):

2.1 Document **D1** discloses a method for strip casting with in-line rolling in accordance with the introductory clause of **Claim 1** and a corresponding installation in accordance with the introductory clause of **Claim 6**.

2.2 **Method Claim 1** differs with respect to its characterizing clause from Document **D1** in that the work rolls are changed above and below the steel strip during casting and can be laterally extracted from the rolling unit.

2.3 **Device Claim 1** differs with respect to its characterizing clause from Document **D1** in that the work rolls can be lifted from the steel strip by lifting devices and laterally extracted.

3. The object of **Claims 1 and 6** is based on inventive activity (Art. 33(3) PCT):

**Claims 1 and 6** solve the problem of extending the casting cycle or of continuing it independently of the rolling operation in a way that is not obvious from an examination of the most closely related prior art of Document **D1**.

4. **Claims 2 to 5 and 7 to 13** are dependent on **Claims 1 and 6**, respectively, and thus also satisfy the requirements of the PCT with respect to novelty and inventive activity (Art. 33(2)(3) PCT).

5. The object of **Claims 1 to 13** is unquestionably commercially viable (Article 33(4) PCT).